

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA**

**DOCKET NO. 2003-327-C**

In Re: Continued Availability of Unbundled )  
High Capacity Loops at Certain Locations and )  
Unbundled High Capacity Transport on Certain )  
Routes Pursuant to the Federal Communication )  
Commission's Triennial Review Order )  
\_\_\_\_\_ )

**ITC^DELTACOM COMMUNICATIONS, INC.'S  
OBJECTIONS TO BELL SOUTH'S REQUESTS FOR ADMISSIONS,  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to the South Carolina Rules of Civil Procedure and Order Granting Motion for Initial Procedure Order, Order No. 2003-730, issued by the South Carolina Public Service Commission on December 17, 2003, ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine ("ITC^DeltaCom"), on behalf of itself, its parent, Interstate FiberNet, Inc. and its affiliate, Business Telecom, Inc., (hereinafter collectively referred to as "ITC"), hereby submits its specific objections to BellSouth Telecommunications, Inc.'s Request for Admissions and Interrogatories and Requests for Production of Documents, served on January 29, 2004. The Objections stated herein are preliminary in nature and are made at this time for the purpose of complying with the ten-day requirement set forth in Order No. 2003-730.

**A. General Objections**

ITC makes the following General Objections to BellSouth's Request for Admissions and Interrogatories and Requests for Production of Documents, including the applicable definitions and general instructions therein ("BellSouth discovery"), which as appropriate will be

incorporated into each relevant response when ITC's responses are served on BellSouth.

1. ITC objects to the BellSouth discovery to the extent that such discovery seeks to impose an obligation on ITC to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. ITC further objects to any and all BellSouth discovery that seeks to obtain information from ITC for ITC subsidiaries, affiliates, or other related ITC entities that are not certificated by the Commission.

2. ITC has interpreted the BellSouth discovery to apply to ITC's regulated intrastate operations in South Carolina and will limit its responses accordingly. To the extent that any BellSouth discovery is intended to apply to matters that take place outside the state of South Carolina and which are not related to South Carolina intrastate operations subject to the jurisdiction of the Commission, ITC objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. ITC objects to the BellSouth discovery to the extent that such discovery calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. ITC objects to the BellSouth discovery insofar as such discovery is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any responses provided by ITC in response to the BellSouth discovery will be provided subject to, and without waiver of, the foregoing objection.

5. ITC objects to the BellSouth discovery insofar as such discovery is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject

matter of this action.

6. ITC objects to the BellSouth discovery insofar as it seeks information or documents, or seek to impose obligations on ITC which exceed the requirements of the South Carolina Rules of Civil Procedure.

7. ITC objects to providing information to the extent that such information is already in the public record before the South Carolina Public Service Commission or which is already in the possession, custody, or control of BellSouth.

8. ITC objects to the BellSouth discovery to the extent that such discovery is overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. ITC objects to each and every request to the extent that the information requested constitutes "trade secrets." To the extent that BellSouth's requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, ITC will make such information available to the BellSouth pursuant to the terms of the Commission's Order Granting Motion for Protective Order and Protective Order, No. 2003-729, dated December 17, 2003, and the Protective Agreement between the parties, subject to any other general or specific objections contained herein.

10. ITC is a large corporation with employees located in many different locations in South Carolina and many different locations in other states. In the course of its business, ITC creates countless documents that are not subject to South Carolina Public Service Commission or FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to these requests. ITC will conduct a reasonable and diligent search of those files that are reasonably

expected to contain the requested information. To the extent that the BellSouth discovery purports to require more, ITC objects on the grounds that compliance would impose an undue burden or expense.

11. ITC objects to the BellSouth discovery that seeks to obtain “all,” “each,” or “every” document, item, customer, or other such piece of information to the extent that such discovery is overly broad and unduly burdensome. Any answers that ITC may provide in response to the BellSouth discovery will be provided subject to, and without waiver or, this objection.

12. ITC objects to the BellSouth discovery to the extent such discovery seeks to have ITC create documents not in existence at the time of the request.

13. ITC objects to the BellSouth discovery to the extent that such discovery is not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this docket, as such discovery is overly broad and unduly burdensome.

14. In light of the short period of time ITC has been afforded to respond to the BellSouth discovery, the development of ITC’s positions and potentially responsive information to the BellSouth requests is necessarily ongoing and continuing. Accordingly, these are preliminary objections to comply with the South Carolina Rules of Civil Procedure and Order No. 2003-730, and ITC reserves the right to supplement, revise, or modify its objections at the time that it serves its actual responses to the BellSouth discovery. However, ITC does not assume an affirmative obligation to supplement its answers on an ongoing basis.

#### B. Specific Objections

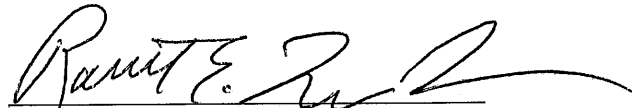
ITC makes the following Specific Objections to BellSouth’s Request for Admissions and Interrogatories and Request for Production of Documents, including the applicable definitions

and general instructions expressed therein ("BellSouth discovery"), which as appropriate will be incorporated into each relevant response when ITC's responses are served on BellSouth.

15. ITC objects to each and every request for admission, interrogatory or request for production that seeks information regarding ITC's projections regarding future services, revenues, marketing strategies, equipment deployments, or other such future business plans as such requests are trade secrets and, for purposes of this proceeding, would be highly speculative and irrelevant to the issues to be decided in this docket.

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February 9, 2004

### **CERTIFICATE OF SERVICE**

I, the undersigned employee of the law offices of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for ITC DeltaCom Communications, Inc., do hereby certify that I have served a copy of the foregoing document to the hereinbelow specified parties via e-mail at the following address(es):

**Pleadings:** **ITC DeltaCom Communications, Inc.'s Objections to BellSouth Telecommunications, Inc.'s Requests to Admit, Interrogatories, and Requests for Production (in Docket No. 2003-327-C)**

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